FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7903 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Rajesh More APP for the applicant.

Mr.B.R.Patil for Respondent no.1.

Coram : R.S.Mohite,J

Date : 19.4.2006.

PC

1. This is an application for condonation of delay. The delay is of 16 days in filing the appeal. Heard both sides. For the reasons which are mentioned in the application and which are accepted, delay is condoned. Application stands disposed of.

(R.S.Mohite,J)

CRIMINAL APPLICATION 7902/2005

1. Heard both sides. This is an application for leave to appeal against acquittal filed

by the State against the order of the Special Judge, Pune passed on 20.8.2005 under P.C.Act in Special Case No.37/2003. The respondent who has been prosecuted was a Talathi admittedly appointed by the Collector under order dated 6.11.1979. The sanction however, was given by the Sub-divisional officer. The trial Court held that the sanction is bad relying upon 2 judgments of this Court in the case of **Bhaurao Marotrao Manekar Vs. State of Maharashtra reported in 1980 Mh.L.J.445 and in the case of Sakharam Trymbak Patil Vs. State of Maharashtra reported in 1993 Mh.L.J. 276.** The subsequent judgment of this Court is directly on the point. In that case, the accused was appointed by the Collector and prosecuted under the P.C.Act. It was held that the accused could not be prosecuted on the strength of the sanction given by Sub-divisional officer. In

this view of the matter, the view taken is a possible view. Therefore, leave to file appeal is refused and the application to stand dismissed.

(R.S.Mohite,J)